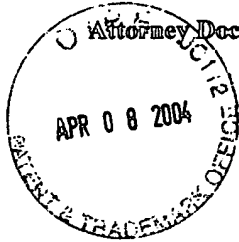


Image

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1631



Attorney Docket No.: LXGN-00104

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: PERSON
Serial No.: 09/933,528
Filing Date: August 20, 2001
Examiner: Zeman

I hereby certify that this correspondence is being deposited with the U.S. Postal Service via Express Mail EJ756144755US with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on the date indicated below:

4.8.04

Date

Reynetta DeVean
Reynetta DeVean

Title: Region Definition Procedure and Creation of a Repeat Sequence File

Technical Center 1600
Assistant Commissioner of Patents
Washington DC 20231

TRANSMITTAL LETTER

Dear Sir:

Enclosed are the following:

1. Copy of Office Action dated March 8, 2004;
2. Response to Office Action dated March 8, 2004;
3. Claims Listing (clean copy); and
4. Acknowledgement Postcard.

McDaniel & Associates, P.C. hereby authorizes the Commissioner to charge any fees necessary to McDaniel & Associates P.C. Deposit Account No. 50-1085 for the filing of these documents.

Respectfully submitted,



Date: April 8, 2004

C. Steven McDaniel
Registration No. 33,962
ATTORNEY FOR APPLICANT

McDaniel & Associates, P.C.
P.O. Box 2244
Austin, Texas 78768-2244
Phone: 512.472.8282
Fax: 512.472.8181

LXGN-00104

Patent Application



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: **PERSON**
Serial No.: **09/933,528**
Filing Date: **August 20, 2001**
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Reynetta DeVea

Title: **Region Definition Procedure and Creation of a Repeat Sequence File**

Technical Center 1600
Assistant Commissioner of Patents
Washington DC 20231

TRANSMITTAL LETTER

This is a reply to the Office Action mailed March 8, 2004, setting a one-month statutory period for response. Please enter the following amendments and remarks into the record. The following Response restates the Election/Restrictions Amendments and now adds claim amendments and a clean set of claims.

ELECTION/RESTRICTIONS AMENDMENT

The Examiner has instructed Applicant that the application must be restricted to one of the following inventions under 35 U.S.C. 121:

I. Claims 1 in total and claims 5-16 and 22-33 in part, drawn to a method of identifying a repeat sequence, classified in class 702, subclass 20.

II. Claims 2, 3, 17-21 in total and claims 5-16 and 22-33 in part, drawn to a method of creating a repeat database, classified in class 707, subclass 6.

III. Claims 4 and 36-38, drawn to a database product, classified in class 707, subclass 103R.

IV. Claim 34, drawn to the process of Figure 2, classified in class 702, subclass 20.

V. Claim 35, drawn to data resulting from a method, non-statutory and unclassifiable.

Applicant hereby elects to proceed with Group II Claims and in particular therein, claims 5-16 and 22-23 as dependent upon Claim 2 only. If the Examiner believes a Preliminary Amendment should be entered in the case to eliminate reference to dependency on Claim 1 in any of the elected claims, Applicants request this be done by Examiner's Amendment (or that the Examiner inform Applicant to file a Preliminary Amendment).

Applicant also hereby requests Claims 1, 4, and 34-38 be canceled without prejudice and can be refiled in a continuing application setting forth additional inventions.

Status of the Claims

Claims 2, 3, 17-21, 39 in total, and claims 5-16 and 22-33 in part presently stand pending subject to restriction and/or election requirement.

Claims 1, 4, and 34-38 have been canceled without prejudice.